

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FLECTERE LLC Plaintiff,	§	
V.	§	
SEARS BRANDS, L.L.C.	§	Case No. 2:18-cv-00228-JRG LEAD CASE
ACADEMY, LTD. Defendants.	§	Case No. 2:18-cv-00227-JRG

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

November 4, 2019	*Jury Selection — 9:00 am. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
October 7, 2019	*Pretrial Conference — 9:00 am. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
October 2, 2019	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
September 30, 2019	*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and

	Updated Deposition Designations
September 23, 2019	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
September 16, 2019	<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>
September 16, 2019	Serve Objections to Rebuttal Pretrial Disclosures
September 2, 2019	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
August 26, 2019	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
July 29, 2019	<p>*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
July 29, 2019	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this</p>

	<p>date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV—56 and Local Rule CV—7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
July 29, 2019	Deadline to Complete Expert Discovery
July 8, 2019	Serve Disclosures for Rebuttal Expert Witnesses
June 17, 2019	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
June 17, 2019	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
May 31, 2019	<p>Deadline to Complete Mediation</p> <p>The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.</p>
May 24, 2019	Comply with P.R. 3-7 (Opinion of Counsel Defenses)
May 3, 2019	* Claim Construction Hearing —1:30 p.m. in Marshall, Texas before Judge Rodney Gilstrap
April 19, 2019	*Comply with PR. 4—5(d) (Joint Claim Construction Chart)
April 12, 2019	*Comply with P.R. 4—5(c) (Reply Claim Construction Brief)

April 5, 2019	Comply with P.R. 4—5(b) (Responsive Claim Construction Brief)
March 22, 2019	<p>Comply with PR. 4—5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)</p> <p>Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).</p>
March 22, 2019	<p>Deadline to Substantially Complete Document Production and Exchange Privilege Logs</p> <p>Counsel are expected to make good faith efforts to produce all "required" documents as soon as they are available and not wait until the substantial completion deadline.</p>
March 8, 2019	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
March 1, 2019	File Response to Amended Pleadings
February 15, 2019	<p>*File Amended Pleadings</p> <p>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.</p>
February 8, 2019	Comply with P.R. 4-3 (Joint Claim Construction Statement)
January 18, 2019	Comply with P.R. 4—2 (Exchange Preliminary Claim Constructions)

December 28, 2018	Comply with P.R. 4—1 (Exchange Proposed Claim Terms)
October 25, 2018	<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>
December 1, 2018	Comply with P.R. 3-3 & 3—4 (Invalidity Contentions)
October 8, 2018	<p>*File Proposed Protective Order and Comply with Paragraphs 1 &amp; 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
September 18, 2018	Join Additional Parties
September 14, 2018	*File Notice of Mediator
August 28, 2018	Comply with P.R. 3—1 & 3—2 (Infringement Contentions)